

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LATNEY A. RUSSELL,

Plaintiff,
VS.

FLIXBUS, INC.,

Defendant.

CIVIL ACTION NO.

HON.

DEFENDANT'S NOTICE OF REMOVAL

PLEASE TAKE NOTICE that the Defendant, Flixbus, Inc., pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, file this Notice of Removal of the above-captioned action from the State Superior Court of Gwinnett County, Georgia, in which court it is now pending, to the United States District Court for the Northern District of Georgia, Atlanta Division. This removal is predicated upon this Honorable Court's original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because complete diversity exists between the parties and the amount in controversy exceeds \$600,000.00 principal, 10% interest, plus all future costs of the alleged suit, exclusive of interest and costs.

PROCEDURAL HISTORY

1. On October 27th, 2022, the Pro Se Plaintiff filed a Verified Complaint for Negligence, Assault, Battery, Theft and Other Related Relief (“Complaint”) in the Superior State Court of Gwinnett County, Georgia, in the case styled *Latney A. Russell vs. Flixbus, Inc.*, Civil Action File No. 22-A-09331-3.

2. On January 13, 2023, an executed Affidavit of Service for Defendant, Flixbus, Inc. was filed with the Superior State Court of Gwinnett County on January 23, 2023.

3. Pursuant to 28 U.S.C. § 1466(b), this Notice of Removal is timely filed.

4. This Court is the district and division “embracing the place where [the state court] action is pending” under 28 U.S.C. § 1441(a), as the State Court of Gwinnett County is located in the Atlanta Division of the Northern District of Georgia.

5. Attached to this Notice of Removal are copies of all pleadings and orders on file in the state court proceeding. *See* State Court Record attached *in globo* as Exhibit A.

DIVERSITY JURISDICTION

This suit is removable to this Court under and by virtue of 28 U.S.C. § 1332,

which provides federal district courts with original jurisdiction in cases where the matter in controversy exceeds the sum or value of \$600,000, exclusive of interest and costs, and is between citizens of different states.

6. Pro Se Plaintiff, Latney A. Russell alleged he is a citizen of the State of Massachusetts and County of Essex. *See* Plaintiff's Complaint, ¶ 1. Thus, Pro Se Plaintiff is not a citizen of the State of Georgia.

7. Pro Se Plaintiff, Latney A. Russell has since changed his address on February 6, 2023 and is potentially located in Maricopa County, Arizona. *See Exhibit B* attached in, *of* Plaintiff's Change of Address Update, ¶ 2. Thus, Plaintiff is not a citizen of the State of Georgia.

8. Defendant, Flixbus, Inc., is a Foreign Profit Corporation, with its principal place of business in the State of Texas. Thus, Defendant, Flixbus, Inc., is not a citizen of Georgia. *See* Plaintiff's Complaint, ¶ 3.

9. Accordingly, complete diversity exists under 28 U.S.C. § 1332 and all relevant case law.

AMOUNT IN CONTROVERSY

10. Pursuant to 28 U.S.C. § 1332(a), the amount in controversy exceeds the sum or value of \$600,000.00, exclusive of interest and costs, for the following reasons.

11. Plaintiff seeks damages relating to an assault/theft incident that took place on May 11, 2022 by a passenger onboard a bus route from New York City, NY to Atlanta, GA. The relief that the Plaintiff seeks includes the amount of \$600,000.00, 10% interest, plus all future costs of the court. *See* Plaintiff's Complaint.

12. Upon information and belief, Plaintiff seeks damages that exceed \$600,000 as identified in Plaintiff's Complaint.

13. While Defendant denies the allegations of the Plaintiff's Complaint, and deny liability to the Plaintiff, the amount in controversy exceeds the sum of \$6000,000, exclusive of interest and costs.

14. A Notice of Filing Notice of Removal will be filed in state court as required by 28 U.S.C. § 1446(d) and served on all counsel of record upon the filing of this Notice of Removal.

WHEREFORE, Defendant Flixbus, Inc., prays that this Notice of Removal be filed in accordance with applicable law and that it be deemed good and sufficient, and that the above-captioned matter filed in the State Court of Gwinnett County, Georgia, be removed to this Honorable Court for discovery, trial, and determination as provided by law, and that this Court enter such orders and issue process as may be proper to bring before it copies of all records and proceedings

from the State Court of Gwinnett County, Georgia, and take jurisdiction of this civil action as if it had originally commenced in this Honorable Court to the exclusion of any further proceedings in state court.

CERTIFICATION

Counsel certifies that this document has been prepared with one of the font and point selections approved by the Court in L.R. 5.1(C) N.D. Ga, specifically, 14-point.

Respectfully submitted,

/s/ Tujuana S. McGee

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all counsel of record by electronic mail and/or by depositing same in the United States Mail, properly addressed and postage prepaid, this 22nd day of February, 2023, as follows:

Latney A. Russell
21595 S 231st Way
Queen Creek, AZ 85142
Ralatney@gmail.com
Pro Se Plaintiff

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

/s/ Tujuana S. McGee

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